

REMARKS

In the Amendments mailed on 9/1/04 and 7/5/05 applicants stated;

Applicants note that a certified copy of their EP priority application is not listed as received on the Acceptance Notification. Since this is a PCT National Stage application, it is the responsibility of the International Bureau, not applicants, to furnish such documents. The examiner is therefore requested to contact the International Bureau for a copy of said EP priority application if it is indeed missing from the file.

Since there is no evidence this was done, applicants again repeat the request.

Claims 33, 35-37, 42-43, 47-49 and 54-64 are pending in this application, claims 34, 38-41, 44-46 and 50-53 having been currently cancelled. Claims 33, 42, 43, 47 and 61 have been amended.

Claims 33, 35-37, 42-43, 47-49 and 54-64 are presented for reconsideration. Said claims have been limited to a small genus of specific phenolic antioxidants which have at least one carbonyl functional group. Since the present claims do not embrace the phenolic antioxidant of formula (7) on page 8 of the disclosure, a Request for Continued Examination accompanies this Preliminary Amendment.

Amended claim 33 is supported by the exemplification. No new matter has been added.

Claims 33-41, 47, 61 and 64 are finally rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,356,612 to Guthrie et al. Reconsideration of this rejection is requested in light of the amendment *supra* and the following remarks.

Guthrie discloses stable detergent compositions which may be stabilized by antioxidants.

Exemplified compounds of Guthrie are: listed on col. 12, l. 39ff:

2,6-di-t-butyl phenol,
 2,6-di-t-butyl-4-methyl phenol,
 bis(4-hydroxy-3,5-di-t-butyl) methane,
 4-dimethylaminomethyl-2,6-di-t-butyl phenol,
 p-n-butylaminophenol,
 4,4'-dihydroxy-3,3'-dimethyl-5,5'-di-t-butyl biphenyl,
 2,2'-methylene-bis(4-methyl-6-t-butyl phenol),
 butylated-4-methoxyphenol,
 butylated-4-hydroxy-toluene,
 2,5-di-t-butyl hydroquinone,
 2,5-di-amyl hydroquinone,
 catechol, and
 resorcinol;

Commercially available antioxidants are listed in Table II (col. 13, l. 5ff):

TABLE II

Antioxidants	Commercial or Trade Name
I. FOOD GRADE ANTIOXIDANTS	
1. Dilauryl thiodipropionate.....	Dillydap.
2. Distearyl thiodipropionate.....	Disterdap.
3. <i>β,β</i> -Thiodipropionic acid.....	
4. Butylated hydroxy-anisole.....	Tenox BHA.
5. Butylated hydroxy-toluene.....	Tenox BHT, Dapac 200, Food Grade BHT.
6. n-Propyl gallate.....	Tenox P.G.
7. Mixtures of 4, 5, and 6.....	Griffith G-50.
II. ANIMAL FEED GRADE	
1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline.....	Santoquin.
III. F.D.A. APPROVED	
2,2'-methylene bis-(4-methyl-6-t-butylphenol).....	CAO 5, CAO 14.
IV. RUBBER AND GASOLINE GRADE	
1. 2,2'-methylene bis-(4-methyl-6-t-butylphenol)...	Antioxidant 2246.
2. Dicyclohexylamine.....	
3. Mixtures of 1 and 2.....	
4. Phenothiazine.....	
5. Phenothiazine—CuCl.....	
6. Polybutylated bisphenol A.....	Agerite Superlite.
7. 4,4'-methylene bis-(6-t-butyl-o-cresol).....	Antioxidant 720.
8. 4,4'-methylene bis-(2,6-di-t-butylphenol).....	Antioxidant 702.
V. MISCELLANEOUS	
o-Tolyl biguanide.....	Sopanax.
Oxyalkylated t-butylphenolformaldehyde conden- sation product.....	Tretolite M-75.

Guthrie is completely silent about the specific antioxidants as claimed in claim 33 which all have, in addition to the phenolic group, a carbonyl group. Hence there is clearly no anticipation.

Claims 48-50 are finally rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,356,612 to Guthrie et al. The examiner asserts that Guthrie teaches AOs and synergists and suggests tocopherol and related compounds (see col. 12, lines 22-23) and diaryl amines. However, as noted supra, Guthrie has no teachings directed to the specific antioxidants as claimed in claim 33 which all have, in addition to the phenolic group, a carbonyl group.

Reconsideration and withdrawal of this rejection of claims 48-50 is therefore respectfully solicited.

Claims 33-41, 47-61 and 63 are finally rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 2 319 523 (Hüglin et al.).

As previously noted, said GB corresponds to commonly assigned U.S. Patents 6,117,997, 6,184,375 and 6,284,821.

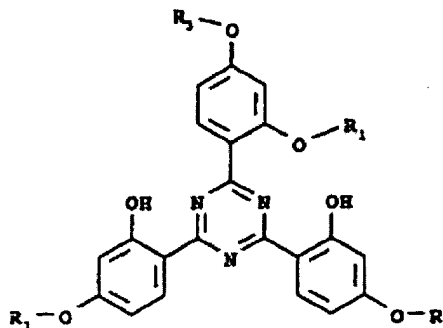
The reference teaches specific hydroxyphenyltriazines as stabilizers for different organic materials. It has to be noted that the hydroxyphenyltriazines as disclosed in the GB reference are UV absorbers. On page 21 of this reference it is disclosed that in addition to the hydroxyphenyl triazines one or more additional components (C) can be used, like antioxidants:

In addition to the compounds of the formula I the novel compositions may comprise as additional component (C) one or more customary additives, for example antioxidants, other light stabilizers, metal passivators, phosphites or phosphonites. Examples of these are the following:

Examiner cites page 92 of the GB reference to demonstrate that antioxidants are used in cosmetics such as sun protection compositions.

Page 92 discloses in Example B7 a sun protection cream comprising, *inter alia*, compound No. 11,

which is the hydroxyphenyltriazine of the formula



wherein $R_2 = R_1 = \text{CH}_2\text{-CH}(\text{C}_2\text{H}_5)\text{-C}_4\text{H}_9\text{-n}$ (disclosed on page 75). It is a UV absorber, not a phenolic antioxidant. It is also clearly outside the scope of the specific antioxidants as claimed in claim 33 which all have, in addition to the phenolic group, a carbonyl group. Reconsideration and withdrawal of this ground of rejection is therefore respectfully solicited.

Claim 62 is newly rejected as lacking antecedent basis for "cleaning and treating agents selected from washing, rinsing and dishwashing agents". Responsive thereto the examiner's attention is respectfully directed to page 31, lines 6 and 8-9, and to originally filed claim 30.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 33, 35-37, 42-43, 47-49 and 54-64 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,

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Enclosures: Request for Continued Examination Fee Letter, Petition for Extension of Time